

(First Published in the Columbus Daily Advocate September 24, 2007)

ORDINANCE NO. 1226

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF COLUMBUS, KANSAS, DETERMINING THE NECESSITY AND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF AN INTEREST IN LAND, TRACT 13, PROJECT NO. 69-11 K-8009-01, BY CONDEMNATION FOR THE PUBLIC PURPOSE OF PERMANENTLY IMPROVING AND RELOCATING PUBLIC ROAD, HIGHWAY AND PUBLIC AND PRIVATE UTILITY USE PURSUANT TO ITS POWER OF EMINENT DOMAIN AND IN ACCORDANCE WITH THE EMINENT DOMAIN PROCEDURE ACT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLUMBUS, KANSAS.

SECTION 1: That the City of Columbus has entered into a highway improvement project in cooperation with the Kansas Department of Transportation to permanently improve Highway 69 within the City limits, designated Project No. 69-11 K-8009-01.

SECTION 2: Pursuant to K.S.A. 26-201, the City is authorized to acquire by the exercise of the right of eminent domain title or easements to or upon any lands or interest to or rights therein and other property and rights as may be necessary for the construction, reconstruction, improvement, maintenance or drainage of the City's streets and utilities.

SECTION 3: The City has determined that in order to carry out such project and lawful powers and duties it is necessary to hereby acquire by the exercise of its power of eminent domain and pursuant to the procedures set forth in the Kansas Eminent Domain Procedure Act, K.S.A. 26-501, *et seq.*, the following temporary easement to or upon the following described lands located in Columbus, Cherokee County, Kansas for the accommodation of construction equipment, materials, and excavated earth, over and across the described tract of real estate situated in Cherokee County, Kansas, to wit:

Tract 13: Commencing at the Northwest corner of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of Section Eighteen (18), Township Thirty-three (33) South, Range Twenty-four (24) East, of the Sixth Principal Meridian, Cherokee County, Kansas; thence S 00°13'23" W (assumed bearings) along the West said Line a distance of 1,346.15 feet; thence S 89°46'37" E a distance of 60.25 feet to the East Right-of-Way Line of U.S. 69, thence N 00°15'19" E along the said Right-of-Way a distance of 38.53 feet to the Point of Beginning; thence N 00°15'19" E along said Right-of-Way a distance of 254.94 feet; thence S 89°44'41" E a distance of 12.18 feet; thence S 00°15'19" W a distance of 137.00 feet; thence S 89°44'41" E a distance of 29.53 feet; thence S 00°15'19" W a distance of 124.75 feet; thence S 89°26'10" E a

distance of 77.39 feet; thence S 47°55'07" E a distance of 48.19 feet to the North Right-of-Way Line of Merle Evans Drive; thence N 89°26'10" W along said North Right-of-Way Line a distance of 144.10 feet; thence N 15°31'16" W a distance of 40.09 feet to the Point of Beginning, containing 11,034.00 square feet.

SECTION 4: The City has determined that in order to carry out such project and lawful powers and duties it is necessary to hereby acquire by the exercise of its power of eminent domain and pursuant to the procedures set forth in the Kansas Eminent Domain Procedure Act, K.S.A. 26-501, *et seq.*, the following real estate title and permanent easement to or upon the following described lands located in Columbus, Cherokee County, Kansas:

Tract 13: Commencing at the Northwest corner of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of Section Eighteen (18), Township Thirty-three (33) South, Range Twenty-four (24) East, of the Sixth Principal Meridian, Cherokee County, Kansas; thence S 00°13'23" W (assumed bearings) along the West said Line a distance of 1,346.15 feet; thence S 89°46'37" E a distance of 60.25 feet to the East Right-of-Way Line of U.S. 69, to the Point of Beginning; thence S 89°26'10" E along the North Right-of-Way Line of Merle Evans Drive a distance of 10.90 feet; thence N 15°31'16" W a distance of 40.09 feet to the East Right-of-Way Line of U.S. 69, thence S 00°15'19" W along said East Right-of-Way Line a distance of 38.53 feet to the Point of Beginning containing 210.03 square feet

SECTION 5: That proceedings in eminent domain shall commence as soon as practicable.

SECTION 6: All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed in so far as they conflict herewith.

SECTION 7: This ordinance shall be in full force and effect from and after passage and publication in the official City newspaper.

PASSED and APPROVED by the Governing body this 17th day of September, 2007.


HARLEY MCDANIEL, MAYOR

ATTEST:


JANICE BLANCETT, CITY CLERK

(SEAL)